
(2019) 07 PAT CK 0045

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 13262 Of 2019

Sanjay Kumar

APPELLANT

Vs

State Of Bihar Through And Ors

RESPONDENT

Date of Decision : 04-07-2019

Acts Referred:

Citation : (2019) 07 PAT CK 0045

Hon'ble Judges : Ashutosh Kumar, J

Bench : Single Bench

Advocate : Ashok Kumar Prasad, Dheeraj Kumar, Manish Kumar, Kaushlendra Pd. Singh, Sunil Kr. Singh

Final Decision : Disposed Off

Judgement

1. Heard the learned counsel for the parties.
2. The petitioner has approached this Court for the purposes of securing a negative interdict for the respondent no. 4 in offering compassionate appointment to his younger brother.
3. This Court is at a loss to know as to how this writ petition would be maintainable in the present form.
4. However the facts which can be gathered from the averments made in the writ petition are as hereunder.

The father of the petitioner died in harness. Thereafter, there was a private arrangement between the heirs of the deceased employee that the death benefits shall be pocketed by the petitioner who is the elder son of the deceased employee whereas the younger brother of the petitioner viz. Ajay Kumar would be entitled to claim compassionate appointment in place of the deceased employee. It is the allegation of the petitioner that his mother (wife of the deceased employee) in conspiracy with her younger son i.e. the younger brother of the petitioner are making attempts to take the post retiral/death benefits of

the deceased employee and the younger brother also is trying for compassionate appointment in the department.

5. It has been submitted that these facts ought to be taken into account before giving compassionate appointment to the younger brother of the petitioner.

6. It has further been submitted that a representation to that effect has been made by the petitioner before the Senior Superintendent of Police, Patna but the petitioner has not yet been communicated whether such representation has been forwarded to the District Compassionate Appointment Committee where decision in that regard is to be taken.

7. Under the aforesaid circumstances, this Court only directs the petitioner to make a fresh representation before the Senior Superintendent of Police, Patna (respondent no. 3) who shall forward the aforesaid representation before the District Compassionate Appointment Committee which shall take a decision after taking into account the aforesaid facts.

8. With the aforesaid direction/observation, the writ petition stands disposed of.